REMARKS

No claims have been amended, cancelled or added. As a result, claims 1-2, 4-19, and 21-36 are now pending in this application.

§_102 Rejection of the Claims_

Claims 1, 4-7, 9-18, 21-24 and 26-36 were rejected under 35 U.S.C. § 102(e) for anticipation by Akatsu et al., (U.S, 6,523,064). This rejection is respectfully traversed.

Anticipation requires the disclosure in a single prior art reference of each element of the claims under consideration. _In re Dillon_, 919 F.2d 688, 16 USPQ2d 1897, 1908 (Fed. Cir. 1990) (en banc), cert. denied, 500 U.S. 904 (1991).

Akatsu discloses:

"In accordance with a first aspect of the present invention, a gateway device comprises a central processing unit, an external network interface, an internal network interface, and a positioning unit each coupled to the central processing unit. The gateway device further comprises a persistent memory, also coupled to the central processing unit, wherein the persistent memory is configured to store statistical data pertaining to content received through the external network interface as well as geographic location information. The gateway device is configured to collecting statistical geographic location information. According to an embodiment, a method for collecting the statistical geographic location information comprises: storing geographic location information in a persistent memory dedicated to a positioning unit, sampling incoming data passing between the external network interface and the internal network interface of the gateway device, recording the sampled incoming data in a persistent data table, receiving a request, the request comprising a demand for information contained in the persistent data table, and in response to the request, transmitting information contained in the persistent data table together with geographic location information." Abstract of Akatsu.

Akatsu further discloses:

"FIG. 8 depicts a firmware stack 800, employed by the home gateway 504. An operating system (OS) kernel 804 resides at the core of the firmware stack 800, and communicates with a service controller 808, system management 812, ATM driver 816 and 1394 driver 820. The ATM driver 816 communicates with the service controller 808, the 1394 driver 820 and various hardware components 824 (i.e., physical electronics components in the home entertainment system 500.). Similarly, the 1394 driver 820 communicates with the service controller 808,

ATM driver 816 and hardware 824.
"System management 812 includes functions for initialization, self-diagnostics,.system health checking and debugging. Service controller 808 includes functions for MPEG TS and EPG filtering and multicasting, IP routing and terminal functions, MPEG over the 1394 bus and MPEG over ATM, as well as IP over 1394 bus and IP over ATM, address mapping, home network service command and control (e.g., MPEG service control, TV image control, remote handling, and camera control), and other functions (e.g., gaming, home automation, and directory services)
"The 1394 driver 820 realizes asynchronous data transmission, isochronous data transmission, physical layer control packet transmission, bus reset and control, root and cycle master processing, configuration status register and configuration ROM handling, bus management and address mapping table updates, whereas the ATM driver 816 realizes ATM pack transmission and ATM permanent virtual connection ("PVC") establishment and release." Akatsu, column 8, lines 32-60.

Akatsu further discloses:

"The positioning unit 2716, shown in home gateway 2700, can have multiple embodiments. For example, in one preferred embodiment, the positioning unit 2716 comprises a global positioning module such as the ACE II GPS.TM. module that is available from Trimble Navigation in Sunnyvale, Calif. However, a particular, or highly accurate global positioning module is not necessarily required, as the geographic resolution of the unit is not critical. By way of further example, geographic location data is to be requested by the central server 2750--e.g., from a cable provider--thereby triggering the global positioning module to update location information for the home gateway 2700. The positioning unit 2716 then provides the updated location information to the central server 2750--for example, directly from the positioning unit 2716 or via the CPU 704.
"In an alternative, and more cost effective embodiment, a persistent memory, such as a non-volatile RAM, can be employed in the positioning unit 2716, together with a software based user prompt that is initialized during the home gateway 2700 power-up, or at a user's request. The user prompt directs a user to manually enter a geographic location identifier, such as a zip code, and the user response is recorded into the non-volatile RAM. When subsequent request for geographic location information for the home entertainment network system 500 are made, the home gateway 2700 can respond by returning the location identifier stored in the persistent memory." Akatsu, column 16, lines 12-39.

In contrast, independent claims 1, 18, 35, and 36 recite "a query, *including a network address.*"

The Abstract of Akatsu, Figure 8 of Akatsu, and Col. 8, lines 32-60 of Akatsu were cited in the Office Action as disclosing these particular elements of the independent claims. Again, Applicants respectfully disagree. Portions of Akatsu, including the Abstract and col. 8, lines 32-60 (as well as col. 16, lines 12-39) have been reproduced herein to assist the Examiner in assessing the limited extent of the disclosure in this reference. In short, Akatsu simply fails to provide any discussion regarding a query, including a network address. Because Akatsu does not teach each and every claim element of independent claims 1, 18, 35, and 36, Applicants respectfully submit that the Office Action did not make out a *prima facie* case of anticipation.

Accordingly, independent claims 1, 18, 35, and 36 are patentable over the cited reference, and Applicants respectfully request that the rejection be withdrawn. Further, Applicants respectfully request reconsideration of the independent claims 1, 18, 35, and 36 and all rejected claims which depend from the allowable independent claims.

Claims 4-7, 9-17, 21-24 and 26-34 depend from independent claim 1 or 18 and incorporate all of the limitations therein, respectively. Claims 4-7, 9-17, 21-24 and 26-34 are also asserted to be allowable for the reasons presented above, and Applicants respectfully request notification of same. Applicants consider additional elements of claims 4-7, 9-17, 21-24 and 26-34 to further distinguish over the cited references, and Applicants reserve the right to present arguments to this effect at a later date.

§*103 Rejection of the Claims*

Claims 2, 8, 19 and 26 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Akatsu in view of Zoken et al., (U.S. 5,944,787). This rejection is respectfully traversed.

Claims 2, 8, 19, and 26 depend from independent claim 1 or 18 and incorporate all of the limitations therein, respectively. Claims 2, 8, 19, and 26 are also asserted to be allowable for the reasons presented above, and Applicants respectfully request notification of same. Applicants consider additional elements of claims 2, 8, 19, and 26 to further distinguish over the cited references, and Applicants reserve the right to present arguments to this effect at a later date.

Allowable Subject Matter

Claims 16, 17, 33, and 34 were objected to as being dependent upon a rejected base claim, but were indicated to be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Claims 16, 17, 33, and 34 depend from claim 1 or claim 18. Because claims 1 and 18 are in condition for allowance, as discussed above; claims 16, 17, 33, 34 are also allowable as originally submitted since they are dependant upon claims which are believed to be allowable. Applicants respectfully submit that claims 16, 17, 33, 34 are in condition for allowance.

CONCLUSION

Applicant respectfully submits that the claims are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney at 408-278-4042 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.
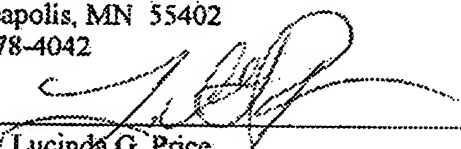
Respectfully submitted,

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